

ESTTA Tracking number: **ESTTA1032309**

Filing date: **01/29/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	NVIDIA Corporation		
Entity	Corporation	Citizenship	Delaware
Address	2788 San Tomas Expressway Santa Clara, CA 95051 UNITED STATES		
Attorney information	Mark A. Jansen, Esq. Fenwick & West LLP 801 California Street Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com 6509888500		

Registration Subject to Cancellation

Registration No.	5569984	Registration date	09/25/2018
Registrant	VOLTA ROBOTS S.R.L. VIA CARDUCCI 32 MILANO, 20123 ITALY		

Goods/Services Subject to Cancellation

Class 009. First Use: 2015/02/22 First Use In Commerce: 2015/10/12 All goods and services in the class are subject to cancellation, namely: Computer software and hardware for remotely monitoring and controlling unmanned vehicles; downloadable software for autonomous navigation of unmanned vehicles; downloadable software for visual navigation of unmanned vehicles; computer software and hardware for processing visual data; neural networks for vehicles
Class 035. First Use: 2015/02/22 First Use In Commerce: 2015/10/12 All goods and services in the class are subject to cancellation, namely: Computerized on-line retail store services in the fields of robotics and artificial intelligence
Class 042. First Use: 2015/02/22 First Use In Commerce: 2015/10/12 All goods and services in the class are subject to cancellation, namely: Advanced product research in the field of artificial intelligence, namely, design of neural networks for unmanned vehicles, design of visual navigation software for unmanned vehicles, design of computer hardware and software for processing visual data, design and development of computer systems enabling vehicles to share visual data with a central server and obtain updated neural networks models

Grounds for Cancellation

No use of mark in commerce before application,	Trademark Act Sections 14(1) and 1(a), (c), and
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amendment to allege use, or statement of use was filed	(d)
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Attachments	cancellation.pdf(94090 bytes)
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Signature	/mjansen/
Name	Mark A. Jansen, Esq.
Date	01/29/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of
US Registration No. 5569984
Registration Date: September 25, 2018
Mark: VOLTA

NVIDIA Corporation,)
Petitioner,)
)
vs.)
)
Volta Robots S.r.L.,)
Applicant.)
)

PETITION FOR CANCELLATION

NVIDIA Corporation (“NVIDIA” or “Petitioner”), a Delaware corporation having a principal place of business at 2788 San Tomas Expressway, Santa Clara, CA 95051, believes that it is and will continue to be harmed by U.S. Registration No. 5569984 for the mark VOLTA, and therefore petitions for cancellation of the registration.

As grounds for cancellation, NVIDIA alleges that:

1. On September 25, 2018, the United States Patent and Trademark Office issued Registration No. 5569984 for the mark VOLTA for “Computer software and hardware for remotely monitoring and controlling unmanned vehicles; downloadable software for autonomous navigation of unmanned vehicles; downloadable software for visual navigation of unmanned vehicles; computer software and hardware for processing visual data; neural networks for vehicles” in International Class 9; “Computerized on-line retail store services in the fields of robotics and artificial intelligence” in International Class 35; and “Advanced product research in the field of artificial intelligence, namely, design of neural networks for unmanned vehicles, design of visual navigation software for unmanned vehicles, design of computer hardware and

software for processing visual data, design and development of computer systems enabling vehicles to share visual data with a central server and obtain updated neural networks models” in International Class 42.

2. On October 5, 2018, Petitioner filed U.S. Trademark Application Serial No. 88145204 for the mark NVIDIA VOLTA.

3. In an Office Action dated July 29, 2019, the Examining Attorney refused registration of the NVIDIA VOLTA application on the ground that, in the Examining Attorney’s view, confusion is likely between Petitioner’s NVIDIA VOLTA mark and Registrant’s VOLTA mark. Accordingly, Petitioner is likely to be damaged by maintenance of the VOLTA registration because, unless the registration is canceled, it may prevent the NVIDIA VOLTA Application from registering.

4. On February 15, 2018, Registrant filed Application Serial No. 87799408 for the mark VOLTA (the “VOLTA Application”), based solely on use in commerce.

5. In the VOLTA Application, Registrant declared under oath, being warned that willful statements, and the like, may jeopardize the validity of the application, that “the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 02/22/2015, and first used in commerce at least as early as 10/12/2015, and is now in use in such commerce.”

6. On information and belief, Registrant was not using the mark VOLTA in commerce in connection with all the goods and services in the VOLTA Application as of the reported dates of first use nor as of the date the application was filed.

7. If the VOLTA registration is not canceled, Registrant will continue to have at least a prima facie exclusive right to use a mark in connection with the claimed goods and

services for which it was not using the mark at the time of filing the application. Such continued registration is and would continue to be a source of damage and injury to Petitioner and the purchasing public.

WHEREFORE, Petitioner NVIDIA Corporation prays that this Petition for Cancellation be sustained and that Registrant's U.S. Registration No. 5569984 be canceled pursuant to Lanham Act §14, 15 U.S.C. §1064.

Please charge the requisite \$1200.00 filing fee for this Petition to Cancel and any additional fees to our Deposit Account No. 50-0261.

Respectfully submitted,

Dated: January 29, 2020

/mjansen/
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